

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**JEFFREY CABE, SEAN FREY, ANITA POTEETE, RONDA ROHDE, ROBERT SNELL, JEFFREY MOORE and ELISA TINNELL, MICHAEL KAP, KAREN ROBERTSON, JIM WESTRA, JOHNNY RUIZ, ARCHIE ROBINSON, DECODA KEYS and NORMA MOODY, Each Individually and on Behalf of All Others Similarly Situated,**

Plaintiffs,

v.

**EVERGREEN PACKAGING LLC and  
PACTIV EVERGREEN INC.,**

Defendants.

Case No. 1:24-CV-01316

Hon. John Robert Blakey

Hon. Jeffrey T. Gilbert

**DECLARATION OF TINA DEVEY IN SUPPORT OF DEFENDANTS' OPPOSITION  
TO PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION**

I, Tina L. Devey, hereby declare as follows:

1. I am over 18 years of age and competent to testify as to the matters in this Declaration. I have personal knowledge of the facts set forth in this declaration, or I have knowledge of such facts based on my review of the business records and files of Pactiv LLC (the "Company"). If called as a witness, I could and would testify competently to such facts contained herein.

2. I am the Human Resources Manager at Pactiv LLC's Canandaigua, New York location and have been in this role for approximately nine years. As the Human Resources Manager, I am responsible for employee relations, hourly employee payroll, wage & hour compliance, and charges and investigations. I also have familiarity with Pactiv Evergreen's operations as a whole.

3. The roots of all the Pactiv Evergreen Inc. affiliated companies stretch back to 1880 and, not long after, in 1908, Evergreen Packaging opened its first mill operations in Canton, North Carolina. As a result of a series of mergers, by 2021, Evergreen Packaging LLC, Pactiv LLC, and Fabri-Kal Corp. became affiliated, and together, the affiliated companies became the leading manufacturers of fresh food and beverage packaging in North America. The entities together now encompass 66 facilities throughout North America. In total, the affiliated companies employ nearly 14,000 workers, who are employed by either Evergreen Packaging, Pactiv LLC, or Fabri-Kal across the 66 different plants throughout the country. Based on my experience and tenure, I know that the many workers are doing different jobs than those employees at the Canandaigua facility.

4. Each facility within this corporate structure operates independently, with its own policies and practices that are based on historical practice, negotiated union requirements, and/or the facility's individual business needs.

5. The Canandaigua facility developed its own timekeeping practices. This facility operates 24 hours a day, 7-days a week. The facility runs a standard eight-hour around the clock shift, whereby employees work on a shift from either 7:30 am to 4:00 pm, 3:30 pm to midnight, or 11:30 p.m. to 8:00 a.m. There is a thirty-minute overlap between each of these shifts to ensure continued operation and ensure that employees get paid for all time worked. Thus, for example, if an operator arrives for his/her shift as scheduled at 3:30 pm, he or she may relieve the operator on the earlier shift even though the individual on earlier shift is scheduled until 4:00 pm. In other words, the individual on the earlier shift may clock out even though they have not worked their full scheduled shift. Under this schedule, many employees work 7.5 hours as opposed to 8 hours in a given day. However, the employees always have the option to stay for their full shift so long as they are keeping busy.

6. We also have a small group of individuals that work a 12-hour weekend shift. Also, the shift electricians have a 2-2-3, 12-hour schedule, whereby they work two days on, two days off, and then three days on, for 12-hours each day.

7. The Canandaigua facility allows employees to punch-in on the timeclock 7-minutes prior to the start of their scheduled shift time, as a convenience to the employee. For example, if an employee shift begins at 7:30 a.m., an employee can punch-in as early as 7:23 a.m. – however, that employee do not perform any work until 7:30 a.m. Employees who punch-in prior to the 7-minute window are paid to the punch. Likewise, employees are paid to the punch when they clock out; there is no 7-minute window applicable to clocking out.

8. Employees are directed to not begin work until the start of their shift time. Employees are allowed to come to the facility early to use the breakroom, drink coffee, and relax but they should not be punching-in prior to 7-minutes before their start. Employees are not required to work, and to my knowledge, do not perform any work between the time they punch in, and the time of their scheduled shift start.

9. I am aware that Robert Snell worked at the Canandaigua, NY facility; however, I am unaware of him ever making a complaint about working off-the-clock or working and not getting paid. I'm unaware of any complaints from Mr. Snell about working during the grace period windows provided to the employees.

10. Our facility has several salaried non-exempt employees who do not record clock in and out times, but rather submit their regular and overtime hours on a separate portal. They are paid according to the hours reported. There are approximately six employees that are salaried non-exempt, and these individuals are the facility's process technicians.

11. Canandaigua is a non-union facility with approximately 400 employees, inclusive of non-exempt and exempt employees. There are approximately 365 hourly production workers at the facility. The facility utilizes “hot hand-offs” which require production workers from one shift to remain on the production line until the employee from the next shift relieves that individual.

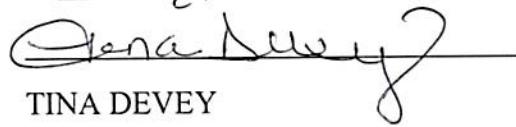
12. Most individuals wear their safety boots when they come to the facility. The only additional PPE that is required is a bump cap, hair net, and ear plugs, which is put on after they have punched in for the day and prior to walking onto the production floor.

13. I am unaware of any complaints from employees who claim to have worked during the 7-minute grace period window. The 7-minute grace period is solely meant to provide a short window of time for employees to punch-in so that they are prepared to begin their work at the start of their scheduled shift time. I've never received a complaint from an employee about working off-the-clock or working while not getting paid.

14. If there is ever any issue with a missed punch or time adjustment, an adjustment can be made. The employee or their supervisor can advise Human Resources, or the individual charged with maintaining the timekeeping system that they need a time adjustment, and we would promptly address it. We would never change an employee's punch without a signature from the employee.

I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and that I would so testify if called upon to do so in this matter.

Executed this 27 day of June 2024 in Canandaigua, New York.

  
TINA DEVEY